

# Correction Officers' Benevolent Association, Inc.

*"Patrolling the Toughest Precincts in New York"*



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August 3, 2016

Joseph Ponte, Commissioner  
New York City Department of Correction  
75-20 Astoria Boulevard  
East Elmhurst, New York 11370

Dear Commissioner Ponte:

When three hundred ninety-four (394) Correction Officers are assaulted in a six (6) month period as the Department of Correction reported to the New York Times, this is not cause for celebration but a call to action. What the Department and City praise as substantial progress, we see as three hundred ninety four (394) officers, men and women, who every day put their life on the line without adequate protections to prevent these assaults. What adds insult to these injuries, is the Department's and City's failure to acknowledge its lack of a strategic plan to ensure these violent inmates are not allowed to repeat their actions by placing them back in the same situation that allowed them to be assaultive in the first place. What the Department and the City cannot see is crystal clear to the Correction Officers Benevolent Association (COBA). The Department's position, whether truly believed, or forced upon them by the Mayor's office and the Board of Correction, in regards to the use of punitive segregation is simply put, dangerous to Correction Officers.

The reduction of days, from ninety (90) to thirty (30), that an inmate can be placed in punitive segregation is ineffective to deter violent inmates from repeating their violent actions. To be clear, the COBA is not calling for the placement of inmates that violate Department rules into punitive segregation in every situation. While it is up to the Department to properly manage the agency and determine penalties for inmates who do not comply with the Department's rules, there are certain offenses, such as an assault on a Correction Officer that must result in the assaultive inmate being placed in punitive segregation for a significant period of time. If after up to ninety (90) days in punitive segregation the inmates behavior hasn't changed or been modified, he/she should be turned over to the Department of Mental Health for evaluation and treatment. Without a more effective change in the use of punitive segregation, the COBA demands the following action be taken.

Effective immediately, any inmate who assaults a Correction Officer must be removed from the custody of the DOC and housed in another jurisdiction. Furthermore, it is our position that that jurisdiction should be one that has, as a deterrent to violence, the full use of punitive segregation for assaultive inmates. Our demand is not made because the members of the COBA, the best Correction Officers in the nation, do not want to perform their sworn duties of care, custody and control of the inmates detained by the Department. Our demand is not made because the members of the COBA are not willing to adapt to new ideas or strategies in criminal justice reform. We are making this demand because the Department's policies have created a dangerous environment and the current policies in place have not been effective in stopping the violence, in fact the violence has even gotten worse.

As you are aware the Department has historically sent inmates to other jurisdictions for various reasons and they should do so now since providing either unwilling or unable to protect Correction Officers. By this action, the Department and City would be sending a clear message to inmates that they do not have free reign to assault Correction Officers.

  
Elias Husamudeen  
President



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Exhibits

- A. Directive 4501R-D – Punitive Segregation
- B. Excerpt 2017 Mayors' Report Excerpt
- C. Federal Monitor's Third Report Excerpts
- D. NY Daily News' Article Regarding the Calderon Slashing dated 11/06/15.
- E. ABC News 7's Article Regarding the Inmate Attack on Five Officers dated 01/07/17.
- F. NY Daily News' Article Regarding the Attacks on Brands and Edmund dated 09/13/16.
- G. NY Daily News' Article Regarding the Attack on Castro dated 05/3/16.
- H. Defendant Ponte's March 10, 2016 Statement.
- I. April 2016 Press Release by de Blasio and Ponte re punitive seg reductions/eliminations
- J. DOC ESH Flyer
- K. COBA President Husamudeen's August 3, 2016 Letter.
- L. Consent Judgment
- M. Directive 5000R-C (Old UOF)
- N. Directive 5000R-D (New UOF)
- O. Directive 4018R – Mentally Ill
- P. BOC's Mental Health Minimum Standards
- Q. Federal Monitor's Second Report Excerpts
- R. COBA Letter from June 2016 Husamudeen Re Academy
- S. Defendants' Facilities Overview
- T. NBC News' Report on Inmate Rampage at West Facility dated 10/05/16.
- U. NY Daily News' Article Regarding the Hughes' Slashing and dated 09/01/16.
- V. WPIX News 11's Article Regarding the Hines Slashing dated 12/15/16.
- W. New York Post Article Regarding Bloods' Hit List dated 05/02/14.
- X. NY Daily News Article Regarding the Lugo Slashing dated 07/27/16.
- Y. NY Daily News Article Regarding Attempted rape dated 03/03/15.
- Z. New York Post's Article Regarding "Fudging" of Statistics dated 12/05/15.
- AA. WPIX News 11's Report on Misclassification dated 10/05/16.